

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GARY NOVINS,

Plaintiff,

– against –

FIRST RELIANCE STANDARD LIFE
INSURANCE COMPANY,

Defendants.

ORDER

22-cv-7576 (ER)

RAMOS, D.J.:

Gary Novins, brought this action against First Reliance Standard Life Insurance Company on September 6, 2022. Doc 1. Summons was issued on December 20, 2022. Doc. 5. However, First Reliance was never served.¹

The Court hereby dismisses this case failure to execute service under Federal Rule of Civil Procedure 4(m). Rule 4(m) provides that “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—*must* dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m) (emphasis added).

Accordingly, it is hereby ORDERED that the above-captioned action is dismissed without prejudice.

¹ Seemingly in error, docket entry number 6, the last action in this case, contains three affidavits of attempted service in three different cases in the United States District Court for the District of Minnesota. All three of the affidavits note an attempt of notice for First Reliance Standard Life Insurance Company, but for other plaintiffs in other cases in District of Minnesota (21-cv-1987, 21-cv-2342, and 21-cv-1733). Doc. 6.

SO ORDERED.

Dated: June 6, 2023
New York, New York



Edgardo Ramos, U.S.D.J.